

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 22442 of 2007(V)

**AGAINST THE ORDER DATED 12/07/2007 IN IA 384/2007 IN
OS.45/2006 of MUNSIFF COURT, PEERUMEDU**
.....

PETITIONER:

**D. AJAYAKUMAR, AGED 50 YEARS,
S/O. V.K. DAMODARAN, RESIDING AT VRINDHAVANAM VEEDU
MULAMKUZHA KARA, NATTAKOM VILLAGE, KOTTAYAM TALUK,
KOTTAYAM DISTRICT.**

**BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.P.P.BIJU**

RESPONDENTS:

- 1. STATE OF KERALA,
REP. BY DISTRICT COLLECTOR, IDUKKI, PAINAVU,
IDUKKI DISTRICT.**
- 2. THE DIVISIONAL FOREST OFFICER,
OFFICE OF THE D.F.O., COLLECTORATE, KOTTAYAM.**
- 3. THE FOREST RANGE OFFICER,
ERUMELY RANGE, FOREST RANGE OFFICE, ERUMELY,
KOTTAYAM DISTRICT.**
- 4. THE DEPUTY RANGE OFFICER,
FOREST STATION, MURINJAPUZHA KARA,
PEERMADE VILLAGE, PEERMADE TALUK,
IDUKKI DISTRICT.**

BY GOVERNMENT PLEADER SMT. R. BINDU

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WPC.NO.22442/2007 V

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1: COPY OF THE WRITTEN STATEMENT FILED BY THE 4TH
DEFENDANT IN THE SUIT, BEFORE THE HON'BLE
MUNSIFF'S COURT, PEERUMEDU.**

**EXT.P2: COPY OF THE APPLICATION FILED BY THE PETITIONER AND
THE AFFIDAVIT SEPERATING DTD. 6/07/2007.**

**EXT.P3: COPY OF THE ORDER DTD. 12/07/2007 IN I.A.384/2007 IN
O.S.45/2006 OF THE MUNSIFF COURT, PEERUMEDU.**

/TRUE COPY/

P.A.TO JUDGE

KSS

M.N.KRISHNAN, J.

WP (C) No. 22442 OF 2007 V

Dated this the 10th August, 2007.

JUDGMENT

An application for impleadment filed by the writ petitioner was dismissed on the ground that the cause of action in a suit for injunction is a recurring one and therefore he need not be impleaded in the proceeding. The writ petitioner is the purchaser of the property from the plaintiff. The plaintiff has filed a suit with respect to an immovable property regarding right of way and has prayed for an injunction. By transfer of the property in favour of the writ petitioner the original plaintiff does not have any interest and suppose he abandons the suit midway the purchaser will be in peril. Therefore, instead of having another suit as a principle of avoiding multiplicity of suits it is only just and correct to implead this writ petitioner and proceed with the case. Needless to say all the contentions which the defendant wants to take up can be also taken up in the form of additional written statement and the court can dispose of the matter in accordance with law. Therefore impleadment petition is allowed. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge